

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:19-CR-81

v.

Hon. Janet T. Neff
United States District Judge

ANTHONY OZOMARO,

Defendant.

MOTION FOR NEW COUNSEL AND BRIEF IN SUPPORT

Sean R. Tilton, of the Office of the Federal Public Defender, moves this Honorable Court to appoint new counsel for the defendant, Anthony Ozomaro. In support of this motion, counsel states that the attorney-client relationship may have broken down irreparably and that Mr. Ozomaro has requested that undersigned counsel no longer represent him.

Background

On March 12, 2019, a Complaint was filed, and subsequently on April 10, 2019, an Indictment was filed charging Mr. Ozomaro with one count of possession with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii). Undersigned counsel was appointed to represent Mr. Ozomaro on April 16, 2019. Mr. Ozomaro was ordered to be detained on April 23, 2019.

Mr. Ozomaro has pending state charges out of the Kalamazoo County Circuit Court. On April 29, 2019, a competency evaluation was ordered and the Kalamazoo County Circuit Court adopted the findings of the report prepared by the Michigan Center for Forensic Psychiatry, finding that Mr. Ozomaro was competent to stand trial. On August 21, 2019, a second competency evaluation was ordered by the Kalamazoo County District Court.

In the matter before this Court, on May 7, 2019, undersigned counsel filed a Motion to Suppress (ECF No. 20, Defendant's Motion to Suppress, PageID.41.) On August 21, 2019, undersigned counsel filed a Motion for Competency (ECF No. 34, Defense Motion, PageID.97.) On August 23, 2019, the Court ordered the competency evaluation. (ECF No. 36, Order, PageID.112.) The evaluation was completed and filed with this Court on January 22, 2020. (ECF No. 41, Forensic Evaluation Report, PageID.118.) The Court scheduled a competency hearing, as well as a hearing on the defendant's motion to suppress, for February 12, 2020.

On January 31, 2020, counsel met with Mr. Ozomaro, and attempted to review the forensic report. Based upon that meeting and previous meetings, it is counsel's belief that the attorney-client relationship may have broken down irreparably. Counsel and Mr. Ozomaro disagree on how to proceed with the case. During the meeting on January 31, 2020, Mr. Ozomaro renewed his request that undersigned counsel no longer represent him. So long as the Federal Public Defender is appointed to represent Mr. Ozomaro, undersigned

counsel and the staff of the Federal Public Defender's Office will continue to represent him to the best of their ability and will attempt to repair the relationship.

Respectfully submitted,

RAY KENT
Federal Public Defender

/s/ Sean R. Tilton
SEAN R. TILTON
Assistant Federal Public Defender
Office of the Federal Public Defender
50 Louis Ave., NW, Ste. 300
Grand Rapids, MI 49503
616.742.7420

Dated: February 3, 2020